S.B.Criminal Misc. Petition No. 218/2005
(Nena Ram Vs. State of Rajasthan and Ors.)

Date of order : 12.07.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. Nagraj Goswami for the petitioner.
Mr. Ashok Upadhyay, P.P.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 04.08.2004 passed by Judge, Family Court, Jodhpur (for short 'the trial court' hereinafter) in Criminal Case No.164/2003, whereby the trial court granted interim maintenance on an application filed by the non-petitioners No.2 to 6 at the rate of Rs.400/- per month in favour of non-petitioner No.2 and Rs.250/- per month in favour of each of non-petitioners No.3 to 6.

I have heard learned counsel for the petitioner and carefully gone through the order passed by the trial court.

It is not disputed that the non-petitioner No.2 is legally wedded wife of the petitioner and non-petitioners No. 3 to 6 minor daughters and son are the issues born out of the

wedlock. On careful scrutiny of the order impugned, I do not find any error, illegality or perversity in the order impugned warranting interference by invoking extra-ordinary jurisdiction under Section 482 Cr.P.C. It cannot be said that the order impugned granting interim maintenance would in any manner result in serious miscarriage of justice or abuse of the process of any Court.

The misc. petition is therefore, dismissed. Stay petition also stands dismissed. However, the trial court is directed to decide the main application filed by the non-petitioners No. 2 to 6 under Section 125 Cr.P.C. utmost expeditiously.

(H.R.PANWAR), J.

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